



General Assembly

Distr.: Limited
4 March 2014

Original: English

**Committee on the Peaceful
Uses of Outer Space
Legal Subcommittee
Fifty-third session**
Vienna, 24 March-4 April 2014
Item 14 of the provisional agenda*

Proposal for a renewal of the structure of the agenda and organization of work of the Legal Subcommittee

Working paper submitted by Germany

I. Introduction

1. The present proposal to restructure the agenda of the Legal Subcommittee and to organize the work of the Subcommittee in a phased way aims at the following:

- (a) Maintaining and strengthening the Legal Subcommittee as the main intergovernmental forum to develop space law;
 - (b) Maintaining and making more efficient use of a period of two weeks for the session for the Subcommittee;
 - (c) Providing all Member States with better opportunities to raise and deal with matters of concern and provide more flexible and substantive mechanisms to do so.
2. It is therefore proposed to simplify the agenda structure and to establish a two-phased approach to the two-week session of the Subcommittee.

II. Restructuring the agenda

3. The Legal Subcommittee has made better progress in its work since the current agenda structure was established in 1999 following a period of very slow progress. This has been achieved, in particular, through the establishment of workplans and a

* A/AC.105/C.2/L.292.



more flexible way of having single issues/items for discussion. However, the current status is that the agenda is neither reactive nor dynamic. Indeed, the interest in discussing more thoroughly the status and application of non-binding instruments and cooperation mechanisms shows the need to accommodate such discussion, to a greater extent even than the recently established workplans.

4. The positive experience with the agenda item on the status and application of the five United Nations treaties on outer space should promote the creation of a parallel standing agenda item on non-binding instruments, with the establishment of an associated permanent working group. A number of current agenda items could be incorporated under these two agenda items, which would provide an opportunity to integrate less productive agenda items.

5. The new agenda would therefore comprise as permanent items:

Item 1. General exchange of views including perspectives of further development of space law.

Item 2. Status and application of the five United Nations treaties on outer space and other legally binding instruments, including national space legislation, by States and international intergovernmental organizations (working group).

Item 3. Status and application of the non-binding instruments developed in the Committee on the Peaceful Uses of Outer Space and other non-binding legal instruments relevant to outer space by States and international intergovernmental organizations (working group).

Item 4. Capacity-building in space law and information on activities of international intergovernmental and non-governmental organizations.

6. In addition, one workplan remains on the agenda until it expires in 2017 and one item is so far foreseen as a single issue/item in 2014:

Item 5. Review of international mechanisms for cooperation in the peaceful exploration and use of outer space.

Item 6. National measures to implement non-legally binding instruments for outer space activities.

7. The restructuring of the agenda, tracked to show the inclusion of the current agenda items, is set out below:

Item 1. General exchange of views, including perspectives with regard to further development of space law:

(a) The general exchange of views should not repeat positions, which will be presented in the working groups. It should deal with overall issues and, in particular, with the views of delegations on the progressive development of space law;

(b) The general exchange of views would be scheduled for full days on both Mondays of the session, thus providing the equivalent time as in the current structure;

(c) Discussions of the work of the working groups in plenary would take place on Thursday and the report would be adopted on Friday during the second week.

Item 2. Status and application of the five United Nations treaties on outer space by States and international intergovernmental organizations:

(a) The work would be conducted in a permanent working group, chaired by a suitable candidate taking into consideration the current Chair (Belgium) of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space;

(b) The item would incorporate the 2013 agenda items of the Legal Subcommittee on national legislation relevant to the peaceful exploration and use of outer space, and on the examination and review of the developments concerning the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Space Assets.

Item 3. Status and application of the non-binding instruments developed in the Committee on the Peaceful Uses of Outer Space and other legal instruments relevant to outer space by States and international intergovernmental organizations:

(a) The work would be conducted in a permanent working group, chaired by a suitable candidate taking into consideration the current Chair (Brazil) of the Working Group on Matters Relating to the Definition and Delimitation of Outer Space;

(b) The item would incorporate the 2013 agenda items of the Legal Subcommittee on the review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, and on the general exchange of information and views on legal mechanisms relating to space debris mitigation measures, taking into account the work of the Scientific and Technical Subcommittee;

(c) The item would also incorporate the agenda item of the Legal Subcommittee on matters relating to: (a) the definition and delimitation of outer space, and (b) the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union, and the work of the Working Group on Matters Relating to the Definition and Delimitation of Outer Space;

(d) The item would later incorporate the results of the agenda items of the Legal Subcommittee on the review of international mechanisms for cooperation in the peaceful exploration and use of outer space, and the general exchange of information on non-legally binding United Nations instruments on outer space, following their completion in 2017 and 2014 respectively.

8. The two working groups to be established would organize their work in a way that would allow member States of the Committee to raise issues and propose formats for deliberating on them. It would facilitate the discussion of new items and would avoid a cumbersome process for setting the agenda. It would also reduce the need to put issues into workplans, which are not suited for such an approach, thus avoiding the creation of workplans with a rather schematic sequence of providing information in the first year, discussion in the second year and conclusions in the third year. Under this concept, the current method of single issues/items for discussion would be equivalent to deliberations on an issue for only one year in a working or expert group.

9. The full benefit of such a new structure can be achieved through a new, phased approach for the two-week period of the session of the Legal Subcommittee as proposed in the following section.

III. Phased approach for the two-week session of the Legal Subcommittee

10. The present proposal maintains a two-week session for the Legal Subcommittee. All activities during these two weeks (plenary exchanges, expert groups and working groups) are an integral part of the Subcommittee and therefore all deliberations take place at the level of delegations (represented by experts and/or by governmental representatives).

11. The current sessions of the Legal Subcommittee experience and suffer (much more than the Scientific and Technical Subcommittee and the Committee on the Peaceful Uses of Outer Space) from a strong participation during the first two days and the last two days of the session, but low participation in the days in between. In order to intensify and concentrate the exchange of views between governmental representatives it is proposed that:

(a) The first week would be dedicated to expert groups and, on Friday, the symposium organized by the International Institute of Space Law (IISL) and the European Centre for Space Law (ECSL);

(b) The second week would be dedicated to the formal deliberations of representatives of member States of the Committee.

12. During the second week, the deliberations of member States would follow the new agenda structure as outlined above. The two permanent working groups would discuss issues that have been previously identified and would, for the purpose of having substantive debates, set up expert groups, which would prepare the discussion of items in the working groups. These expert groups could be set up in a similar way to the expert groups established under the Scientific and Technical Subcommittee Working Group on the Long-term Sustainability of Outer Space Activities (see A/66/20, annex II).

13. These expert groups would:

(a) Work during the first week based on a precise and exact mandate from the working groups;

(b) Be composed of experts nominated by member States of the Committee (including persons from non-governmental institutions but accredited as members of delegations); members of delegations may also participate in the expert group meetings as observers;

(c) Work under the guidance of a chair nominated by the respective working group;

(d) Include, as appropriate, experts from the scientific and technical field, thus potentially linking the Scientific and Technical Subcommittee and the Legal Subcommittee (the link between the Scientific and Technical Subcommittee and the expert groups could also be accommodated by, for example, inviting the chairs of

the working groups of the Scientific and Technical Subcommittee in their respective capacities to provide inputs to the expert groups);

(e) Be able also to communicate intersessionally, as appropriate;

(f) Prepare a report (maximum four pages long), which will be a compilation by the chair of the views expressed and will be brought to the attention of the respective working groups.

14. The number of expert groups should be four at the outset, but could change upon a decision by the Legal Subcommittee.

15. The use of expert groups and action teams has already been successfully applied in the Committee, not only for the item on the long-term sustainability of outer space activities, but also for the items on near-Earth objects and use of nuclear power sources in outer space.

16. One half-day meeting for each expert group would be held separately with translation services. The schedule would also allow smaller delegations to follow all the expert groups.

17. The reports of the expert groups should be ready for processing at the latest by Thursday afternoon of the first week. Deliberations on them will start at the earliest on Tuesday afternoon of the second week, which provides room for editing and translation.

18. Since the requirements for the Secretariat will be high in preparing the expert group reports for the second week, facilitations for the Secretariat could be foreseen, for example by streamlining the report of the Legal Subcommittee, omitting separate annexed reports by the working groups and having only one, integrated report (including expert group reports and working group decisions of around two pages each) of around 25 pages.

19. A generic schedule for the first week would look as follows:

	Monday	Tuesday	Wednesday	Thursday	Friday
a.m.	Opening of the session and general exchange of views, including perspectives of further development of space law	Expert group 1	Expert group 3	Expert groups 1 and 2, one after the other, to finalize their reports	IISL/ECSL symposium
p.m.	General exchange of views, including perspectives of further development of space law	Expert group 2	Expert group 4	Expert groups 3 and 4, one after the other, to finalize their reports	IISL/ECSL symposium

20. A generic schedule for the second week would look as follows:

	Monday	Tuesday	Wednesday	Thursday	Friday
a.m.	General exchange of views, including perspectives of further development of space law	Working group 1	Working group 2	Capacity-building and other matters	Adoption of the report of the Legal Subcommittee
p.m.	General exchange of views, including perspectives of further development of space law	Working group 1	Working group 2	Adoption of decisions of working groups 1 and 2, one after the other	Adoption of the report of the Legal Subcommittee

21. If adopted in 2014, this new approach could be implemented from 2016 onwards, in that in 2015 the first set of expert groups would be established, which would report in 2016 to the two working groups. The session in 2015 would follow current arrangements but would identify the first set of topics for the expert groups. This timeline would also provide the opportunity to reflect potential issues to be taken up from the Scientific and Technical Subcommittee item on the long-term sustainability of outer space activities.

IV. Summary

22. The advantage of this model, to be decided in 2014 and to be implemented from 2016 (based on a decision in 2015 on issues for 2016), combined with the new agenda structure would be:

- (a) A more flexible way of taking up issues of concern to delegations;
- (b) A more substantive debate based on expert preparation;
- (c) A better insight into the issues for, in particular, smaller delegations with less resources, since they benefit from the preparatory work of the expert groups, which they can also follow;
- (d) A stronger reflection of scientific and technical aspects, integrated into the preparations;
- (e) A more intensified debate in the deliberations of member States as a result of a more concentrated meeting period;
- (f) A more thorough and adapted use of meeting time without reducing the session period.



General Assembly

Distr.: Limited
26 March 2014

Original: English

**Committee on the Peaceful
Uses of Outer Space**
Legal Subcommittee
Fifty-third session
Vienna, 24 March-4 April 2014
Item 14 of the provisional agenda*

Proposal for a renewal of the structure of the agenda and organization of work of the Legal Subcommittee

Working paper submitted by Germany

I. Introduction

1. The present proposal to restructure the agenda of the Legal Subcommittee and to organize the work of the Subcommittee in a phased way aims at the following:
 - (a) Maintaining and strengthening the Legal Subcommittee as the main intergovernmental forum to develop space law;
 - (b) Maintaining and making more efficient use of a period of two weeks for the session for the Subcommittee;
 - (c) Providing all Member States with better opportunities to raise and deal with matters of concern and provide more flexible and substantive mechanisms to do so.
2. It is therefore proposed to simplify the agenda structure and to establish a two-phased approach to the two-week session of the Subcommittee.

II. Restructuring the agenda

3. The Legal Subcommittee has made better progress in its work since the current agenda structure was established in 1999 following a period of very slow progress. This has been achieved, in particular, through the establishment of workplans and a

* A/AC.105/C.2/L.292.



more flexible way of having single issues/items for discussion. However, the current status is that the agenda is neither reactive nor dynamic. Indeed, the interest in discussing more thoroughly the status and application of non-binding instruments and cooperation mechanisms shows the need to accommodate such discussion, to a greater extent even than the recently established workplans.

4. The positive experience with the agenda item on the status and application of the five United Nations treaties on outer space should promote the creation of a standing agenda item on non-binding instruments, with the establishment of an associated permanent working group. A number of current agenda items could be incorporated under these two agenda items, which would provide an opportunity to integrate less productive agenda items.

5. The new agenda would therefore comprise as permanent items:

Item 1. General exchange of views including perspectives of further development of space law.

Item 2. Status and application of the five United Nations treaties on outer space and other legally binding instruments, including national space legislation, by States and international intergovernmental organizations (working group).

Item 3. Status and application of the non-binding instruments developed in the Committee on the Peaceful Uses of Outer Space and other non-binding legal instruments relevant to outer space by States and international intergovernmental organizations (working group).

Item 4. Capacity-building in space law and information on activities of international intergovernmental and non-governmental organizations.

6. In addition, one workplan remains on the agenda until it expires in 2017 and one item is so far foreseen as a single issue/item in 2014:

Item 5. Review of international mechanisms for cooperation in the peaceful exploration and use of outer space.

Item 6. National measures to implement non-legally binding instruments for outer space activities.

7. The restructuring of the agenda, tracked to show the inclusion of the current agenda items, is set out below:

Item 1. General exchange of views, including perspectives with regard to further development of space law:

(a) The general exchange of views should deal with overall issues and, in particular, with the views of delegations on the progressive development of space law;

(b) The general exchange of views would be scheduled for full days on both Mondays of the session, thus providing the equivalent time as in the current structure; the item will remain open for delegations that wish to take the floor on other days;

(c) Discussions of the work of the working groups in plenary would take place on Thursday and the report would be adopted on Friday during the second week.

Item 2. Status and application of the five United Nations treaties on outer space by States and international intergovernmental organizations:

(a) The work would be conducted in a permanent working group, chaired by a suitable candidate taking into consideration the current Chair (Belgium) of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space;

(b) The item would incorporate the 2013 agenda items of the Legal Subcommittee on national legislation relevant to the peaceful exploration and use of outer space, and on the examination and review of the developments concerning the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Space Assets.

Item 3. Status and application of the non-binding instruments developed in the Committee on the Peaceful Uses of Outer Space and other legal instruments relevant to outer space by States and international intergovernmental organizations:

(a) The work would be conducted in a permanent working group, chaired by a suitable candidate taking into consideration the current Chair (Brazil) of the Working Group on Matters Relating to the Definition and Delimitation of Outer Space;

(b) The item would incorporate the 2013 agenda items of the Legal Subcommittee on the review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, and on the general exchange of information and views on legal mechanisms relating to space debris mitigation measures, taking into account the work of the Scientific and Technical Subcommittee;

(c) The item would also incorporate the agenda item of the Legal Subcommittee on matters relating to: (a) the definition and delimitation of outer space, and (b) the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union, and the work of the Working Group on Matters Relating to the Definition and Delimitation of Outer Space;

(d) The item would later incorporate the results of the agenda items of the Legal Subcommittee on the review of international mechanisms for cooperation in the peaceful exploration and use of outer space, and the general exchange of information on non-legally binding United Nations instruments on outer space, following their completion in 2017 and 2014 respectively.

8. The two working groups to be established would organize their work in a way that would allow member States of the Committee to raise issues and propose formats for deliberating on them. It would facilitate the discussion of new items and would avoid a cumbersome process for setting the agenda. It would also reduce the need to put issues into workplans, which are not suited for such an approach, thus avoiding the creation of workplans with a rather schematic sequence of providing information in the first year, discussion in the second year and conclusions in the third year. Under this concept, the current method of single issues/items for discussion would be equivalent to deliberations on an issue for only one year in a working or preparatory group.

9. The full benefit of such a new structure can be achieved through a new, phased approach for the two-week period of the session of the Legal Subcommittee as proposed in the following section.

III. Phased approach for the two-week session of the Legal Subcommittee

10. The present proposal maintains a two-week session for the Legal Subcommittee. All activities during these two weeks (plenary exchanges, preparatory groups and working groups) are an integral part of the Subcommittee and therefore all deliberations take place at the level of delegation. The two phases (weeks) are therefore primarily distinguished by the level of deliberations.

11. The current sessions of the Legal Subcommittee experience and suffer (much more than the Scientific and Technical Subcommittee and the Committee on the Peaceful Uses of Outer Space) from a strong participation during the first two days and the last two days of the session, but low participation in the days in between. In order to intensify and concentrate the exchange of views between governmental representatives it is proposed that:

(a) The first week would be dedicated to preparatory groups and, on Friday, the symposium organized by the International Institute of Space Law (IISL) and the European Centre for Space Law (ECSL);

(b) The second week would be dedicated to deliberations of the working groups as well as the plenary.

12. During the second week, the deliberations of member States would follow the new agenda structure as outlined above. The two permanent working groups would discuss issues that have been previously identified and would, for the purpose of having substantive debates, set up preparatory groups, which would prepare the discussion of items in the working groups. These preparatory groups could be set up in a similar way to the expert groups established under the Scientific and Technical Subcommittee Working Group on the Long-term Sustainability of Outer Space Activities (see A/66/20, annex II).

13. These preparatory groups would:

(a) Work during the first week based on a precise and exact mandate from the working groups;

(b) Be composed of representatives nominated by member States of the Committee and observers to the Committee (including persons from non-governmental institutions but accredited as members of delegations);

(c) Work under the guidance of a chair nominated by the respective working group;

(d) Include, as appropriate, experts from the scientific and technical field, thus potentially linking the Scientific and Technical Subcommittee and the Legal Subcommittee (the link between the Scientific and Technical Subcommittee and the preparatory groups could also be accommodated by, for example, inviting the chairs

of the working groups of the Scientific and Technical Subcommittee in their respective capacities to provide inputs to the preparatory groups);

(e) Be able also to communicate intersessionally, as appropriate;

(f) Prepare a report (maximum four pages long), which will be a compilation by the chair of the views expressed and will be brought to the attention of the respective working groups.

14. The number of preparatory groups should be four at the outset, but could change upon a decision by the Legal Subcommittee.

15. Comparable models have been successfully applied in the Committee, not only for the item on the long-term sustainability of outer space activities, but also for the items on near-Earth objects and use of nuclear power sources in outer space.

16. One half-day meeting for each preparatory group would be held separately with translation services. The schedule would also allow smaller delegations to follow all the preparatory groups.

17. The reports of the preparatory groups should be ready for processing at the latest by Thursday afternoon of the first week. Deliberations on them will start at the earliest on Tuesday of the second week, which provides room for editing and translation.

18. Since the requirements for the Secretariat will be high in preparing the preparatory group reports for the second week, facilitations for the Secretariat could be foreseen, for example by streamlining the report of the Legal Subcommittee, omitting separate annexed reports by the working groups and having only one, integrated report (including preparatory group reports and working group decisions of around two pages each) of around 25 pages.

19. A generic schedule for the first week would look as follows:

	<i>Monday</i>	<i>Tuesday</i>	<i>Wednesday</i>	<i>Thursday</i>	<i>Friday</i>
a.m.	Opening of the session and general exchange of views, including perspectives of further development of space law	Preparatory group 1	Preparatory group 3	Preparatory groups 1 and 2, one after the other, to finalize their reports	IISL/ECSL symposium
p.m.	General exchange of views, including perspectives of further development of space law	Preparatory group 2	Preparatory group 4	Preparatory groups 3 and 4, one after the other, to finalize their reports	IISL/ECSL symposium

20. A generic schedule for the second week would look as follows:

	<i>Monday</i>	<i>Tuesday</i>	<i>Wednesday</i>	<i>Thursday</i>	<i>Friday</i>
a.m.	General exchange of views, including perspectives of further development of space law	Working group 1	Working group 2	Capacity-building and other matters	Adoption of the report of the Legal Subcommittee
p.m.	General exchange of views, including perspectives of further development of space law	Working group 1	Working group 2	Adoption of decisions of working groups 1 and 2, one after the other	Adoption of the report of the Legal Subcommittee

21. If adopted in 2014, this new approach could be implemented from 2016 onwards, in that in 2015 the first set of preparatory groups would be established, which would report in 2016 to the two working groups. The session in 2015 would follow current arrangements but would identify the first set of topics for the preparatory groups. This timeline would also provide the opportunity to reflect potential issues to be taken up from the Scientific and Technical Subcommittee item on the long-term sustainability of outer space activities.

IV. Summary

22. The advantage of this model, to be decided in 2014 and to be implemented from 2016 (based on a decision in 2015 on issues for 2016), combined with the new agenda structure would be:

- (a) A more flexible way of taking up issues of concern to delegations;
- (b) A more substantive debate based on preparation;
- (c) A better insight into the issues for, in particular, smaller delegations with less resources, since they benefit from the work of the preparatory groups, which they can also follow;
- (d) A stronger reflection of scientific and technical aspects, integrated into the preparations;
- (e) A more intensified debate in the deliberations of member States as a result of a more concentrated meeting period;
- (f) A more thorough and adapted use of meeting time without reducing the session period.



General Assembly

Distr.: Limited
27 March 2014

Original: English

**Committee on the Peaceful
Uses of Outer Space**
Legal Subcommittee
Fifty-third session
Vienna, 24 March-4 April 2014

Draft report

I. Introduction

A. Opening of the session

1. The Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space held its fifty-third session at the United Nations Office at Vienna from 24 March to 4 April 2014. At its 878th meeting, on 24 March, Kai-Uwe Schrogl (Germany) was elected Chair for a two-year term of office, pursuant to General Assembly resolution 68/75.
2. The Subcommittee held [...] meetings.

B. Adoption of the agenda

3. At its 878th meeting, on 24 March, the Subcommittee adopted the following agenda:
 1. Adoption of the agenda.
 2. Election of the Chair.
 3. Statement by the Chair.
 4. General exchange of views.
 5. Information on the activities of international intergovernmental and non-governmental organizations relating to space law.
 6. Status and application of the five United Nations treaties on outer space.



7. Matters relating to:
 - (a) The definition and delimitation of outer space;
 - (b) The character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union.
8. National legislation relevant to the peaceful exploration and use of outer space.
9. Capacity-building in space law.
10. Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.
11. General exchange of information and views on legal mechanisms relating to space debris mitigation measures, taking into account the work of the Scientific and Technical Subcommittee.
12. General exchange of information on non-legally binding United Nations instruments on outer space.
13. Review of international mechanisms for cooperation in the peaceful exploration and use of outer space.
14. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its fifty-fourth session.

C. Attendance

4. Representatives of the following [...] States members of the Committee attended the session: Algeria, Argentina, Armenia, Austria, Belarus, Belgium, Bolivia (Plurinational State of), Brazil, Burkina Faso, Canada, Chile, China, Colombia, Costa Rica, Cuba, Czech Republic, Ecuador, Egypt, France, Germany, Greece, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Italy, Japan, Kazakhstan, Kenya, Lebanon, Libya, Malaysia, Mexico, Netherlands, Nicaragua, Nigeria, Pakistan, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Slovakia, South Africa, Spain, Sudan, Switzerland, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of) and Viet Nam.

5. The Subcommittee decided to invite, at their request, observers for the Dominican Republic, El Salvador, Luxembourg, Panama and the United Arab Emirates to attend the session and to address it, as appropriate, on the understanding that it would be without prejudice to further requests of that nature and that doing so would not involve any decision of the Committee concerning status.

6. The Subcommittee also decided to invite the observer for the European Union, at its request, to attend the session and to address it, as appropriate, on the understanding that it would be without prejudice to further requests of that nature

and that doing so would not involve any decision of the Committee concerning status.

7. Observers for the Economic and Social Commission for Western Asia and the International Telecommunication Union (ITU) attended the session.

8. The session was attended by observers for the following intergovernmental organizations having permanent observer status with the Committee: Asia-Pacific Space Cooperation Organization (APSCO), European Space Agency (ESA), European Telecommunications Satellite Organization, International Mobile Satellite Organization and International Organization of Space Communications (Intersputnik). The observer for the International Institute for the Unification of Private Law (Unidroit) also attended the session.

9. The session was also attended by observers for the following non-governmental organizations having permanent observer status with the Committee: European Centre for Space Law (ECSL), European Space Policy Institute (ESPI), International Association for the Advancement of Space Safety (IAASS), International Institute of Space Law (IISL), International Law Association (ILA), Secure World Foundation and Space Generation Advisory Council (SGAC).

10. The Subcommittee had before it information concerning the application of Luxembourg for membership in the Committee (A/AC.105/C.2/2014/CRP.3).

11. The Subcommittee also had before it information concerning the request of African Association of Remote Sensing of the Environment (AARSE) for observer status with the Committee (A/AC.105/C.2/2014/CRP.4).

12. A list of the representatives of States, United Nations entities and other international organizations attending the session is contained in document A/AC.105/C.2/2014/INF/...].

D. Symposium

13. On 24 March, IISL and ECSL held a symposium on the theme "Regulatory needs for very small satellites", which was co-chaired by Tanja Masson-Zwaan of IISL and Sergio Marchisio of ECSL. A welcome statement was made by the Chair of the Subcommittee. The Subcommittee heard the following presentations during the symposium: "Status and overview on very small satellites: definition, purposes and projects", by Abe Bonnema; "Small satellites for scientific-technical development and capacity-building", by Lulu Makapela; "International space law and the authorization on the national level", by Philippe Achilleas; "Frequency management at the international and national levels", by Yvon Henri; "Requirements for debris mitigation", by Christophe Bonnal and "A best practice case study", by Otto Koudelka. Concluding remarks were made by the co-chairs of the symposium and the Chair of the Subcommittee. The papers and presentations delivered during the symposium were made available on the website of the Office for Outer Space Affairs of the Secretariat (www.unoosa.org/oosa/en/COPUOS/lsc/2014/symposium.html).

14. The Subcommittee noted with appreciation that the symposium had constituted a valuable contribution to its work.

E. Adoption of the report of the Legal Subcommittee

15. At its [...]th meeting, on [...] April, the Subcommittee adopted the present report and concluded the work of its fifty-third session.

II. General exchange of views

16. Statements were made by representatives of the following States members of the Committee during the general exchange of views: Algeria, Argentina, Austria, Belgium, Brazil, Burkina Faso, Canada, Chile, China, Colombia, Cuba, Czech Republic, France, Germany, India, Indonesia, Iran (Islamic Republic of), Italy, Japan, [Libya], Mexico, Nigeria, Poland, the Republic of Korea, the Russian Federation, South Africa, Ukraine, the United States, Venezuela (Bolivarian Republic of) and Viet Nam. The observers for ESA, ESPI and SGAC also made statements. A statement was made by Nicaragua on behalf of the Group of Latin American and Caribbean States.

17. The Subcommittee welcomed the election of Kai-Uwe Schrogl (Germany) as its Chair for the period 2014-2015 and expressed its appreciation to the outgoing Chair, Tare Charles Brisibe (Nigeria), for furthering the work of the Subcommittee during his term of office.

18. The Subcommittee also welcomed Simonetta Di Pippo, the new Director of the Office for Outer Space Affairs.

19. At the 878th meeting, on 24 March, the Chair made a statement in which he highlighted the programme of work and organizational matters during the Subcommittee at its current session.

20. At the same meeting, the Director of the Office for Outer Space Affairs made a statement in which she reviewed the role of the Office in discharging the responsibilities of the Secretary-General under the United Nations treaties on outer space, including the maintenance of the Register of Objects Launched into Outer Space, as well as the role and work of the Office relating to capacity-building in space law. The Director also introduced the proposed strategic framework for the programme on the peaceful uses of outer space for the period 2016-2017 (A/69/6 (Prog. 5)) and provided the Subcommittee with an update on the plans of the Office to mark the 2014 International Day of Human Space Flight.

21. The Subcommittee observed a minute of silence to mark the passing of Vladimír Kopal of the Czech Republic, who had been a long-standing contributor to the work of the Committee and to the progressive development of international space law.

22. The Subcommittee welcomed the statement delivered by the Chair of the Working Group on the Long-term Sustainability of Outer Space Activities of the Scientific and Technical Subcommittee. The statement was delivered in accordance with the agreement of the Committee at its fifty-sixth session that the Legal Subcommittee be informed of the progress achieved by the Working Group in the period leading up to and during the fifty-first session of the Scientific and Technical Subcommittee.

23. Some delegations recalled the adoption of General Assembly resolution 68/74 on recommendations on national legislation relevant to the peaceful exploration and use of outer space and noted that the resolution provided a good basis upon which to build discussions.

24. Some delegations expressed the view that the existing international legal framework governing outer space activities enabled States, including developing countries, to benefit from activities conducted in outer space, and that it was essential to focus on encouraging universal adoption and full adherence to the United Nations legal instruments on outer space and their implementation by States parties.

25. Some delegations reiterated the importance of the existing treaties on outer space and emphasized the following principles: equal and non-discriminatory access to outer space and equal conditions for all States, irrespective of their level of scientific and technical development, as well as the equitable and rational use of outer space; non-appropriation of outer space, including the Moon and other celestial bodies, by claim of sovereignty, use, occupation or any other means; non-militarization of outer space and its exploitation strictly for peaceful purposes; and regional cooperation to promote space activities.

26. Some delegations reiterated the importance of further development of the international legal regime based on the existing treaties and principles to ensure greater transparency and confidence-building in the conduct of space activities, in a manner that allowed all nations to benefit from space activities, taking into particular account the interests of developing countries.

27. The view was expressed that a universal comprehensive convention on outer space should be developed, with the aim of finding solutions for existing issues, fully respecting the fundamental principles incorporated in the existing United Nations treaties on outer space.

28. Some delegations expressed the view that it was crucial to have closer cooperation and coordination of work between the Legal Subcommittee and the Scientific and Technical Subcommittee to facilitate the legal review of scientific and technological developments and with a view to promoting the development of binding international norms addressing critical issues such as long-term sustainability of outer space, space debris and the use of nuclear power sources in outer space.

29. Some delegations expressed concern about an arms race in outer space and noted that current gaps in the legal regime on outer space made it necessary to have a more comprehensive legal regime to prevent the militarization of outer space.

30. The Subcommittee expressed its gratitude to the organizers of the following events held on the margins of the current session of the Subcommittee:

(a) Seminar entitled "International mechanisms for cooperation in space exploration: a discussion of current and future mechanisms", organized by Japan, Canada and the United States;

(b) Meeting on "Earth observation data as the source and the keeper of regulation", hosted by ESPI.

III. Information on the activities of international intergovernmental and non-governmental organizations relating to space law

31. Pursuant to General Assembly resolution 68/75, the Subcommittee considered agenda item 5, entitled "Information on the activities of international intergovernmental and non-governmental organizations relating to space law", as a regular item on its agenda.

32. Under agenda item 5, statements were made by the observers for ECSL, IISL, ILA, Intersputnik and Unidroit.

33. For its consideration of the item, the Subcommittee had before it the following:

(a) A note by the Secretariat containing information on activities relating to space law received from ILA (A/AC.105/C.2/104);

(b) A conference room paper containing information on activities relating to space law received from Intersputnik and ECSL (A/AC.105/C.2/2014/CRP.21).

34. The Subcommittee noted with satisfaction that the activities of international intergovernmental and non-governmental organizations relating to space law had continued to contribute significantly to the study, clarification and development of space law and that those organizations had continued to organize numerous conferences and symposiums, prepare publications and reports and organize training seminars for practitioners and students, all of which were intended to broaden and advance knowledge of space law.

35. The Subcommittee noted that international intergovernmental organizations had an important role to play in the development, strengthening and furtherance of understanding of international space law.

36. The Subcommittee welcomed the information provided by the observer for IISL on its activities relating to space law, including on the outcomes of the 2013 Manfred Lachs Moot Court, held on 26 September 2013, and the eighth Eilene Galloway Symposium, held on 5 December 2013, and information on its upcoming 57th Colloquium on the Law of Outer Space, to be held from 29 September to 3 October 2014 in Toronto, Canada.

37. The Subcommittee welcomed the information provided by the observer for ECSL on its activities relating to space law, including information on the 2014 ECSL Practitioners' Forum, held in Paris on March 14, the outcome of the ECSL Summer Course on Space Law and Policy, held on 2-13 September 2013, and the preparations for the twenty-third edition of the summer course, to take place in Geneva in September 2014, as contained in conference room paper A/AC.105/C.2/2014/CRP.21.

38. The Subcommittee welcomed the information provided by the observer for Intersputnik on its activities relating to space law, as contained in conference room paper A/AC.105/C.2/2014/CRP.21, and noted its participation in the discussions in the Russian Federation for new regulations on radio frequencies and satellite communications.

39. The Subcommittee welcomed the information provided by the observer for ILA on its activities relating to space law (A/AC.105/C.2/104), including information on the forthcoming seventy-sixth Biennial Conference of ILA, organized jointly with the American Society of International Law, to be held in Washington, D.C. on 7-12 April 2014.

40. The Subcommittee noted with appreciation the recommendation made by APSCO for an APSCO research centre for space law and policy to be established.

41. In accordance with the decision of the Subcommittee at its fifty-second session, in 2013 (A/AC.105/1045, para. 183), the observer for Unidroit made a statement on [...] April, in which he apprised the Subcommittee of recent developments in relation to the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Space Assets. The Subcommittee noted that the Secretary-General of ITU continued to express interest in the possibility for ITU to accept the role of Supervisory Authority, subject to final approval by the governing bodies of ITU. The Subcommittee also noted that the Preparatory Commission for the establishment of the international registry, acting as the Provisional Supervisory Authority of the future international registry, had successfully held two sessions, in May 2013 and January 2014. The Preparatory Commission had discussed and approved in principle the first draft of regulations for the future international registry for space assets and agreed to discuss a finalized version in time for the session of the ITU Council and the plenipotentiary conference to be held in 2014.

42. The Subcommittee agreed that it was important to continue the exchange of information on recent developments in the area of space law between the Subcommittee and international intergovernmental and non-governmental organizations and that such organizations should once again be invited to report to the Subcommittee, at its fifty-fourth session, on their activities relating to space law.

IV. Status and application of the five United Nations treaties on outer space

43. Pursuant to General Assembly resolution 68/75, the Subcommittee considered agenda item 6, entitled "Status and application of the five United Nations treaties on outer space", as a regular item on its agenda.

44. The representatives of Austria, Belgium, Brazil, Mexico, the Netherlands, Republic of Korea, the Russian Federation, the United States and Venezuela (Bolivarian Republic of) made statements under agenda item 6. A statement was also made by the representative of Chile on behalf of the Group of Latin American and Caribbean States. During the general exchange of views, statements relating to the item were also made by representatives of other member States.

45. At its 881th meeting, on 25 March, the Subcommittee reconvened its Working Group on the Status and Application of the Five United Nations Treaties on Outer Space under the chairmanship of Jean-François Mayence (Belgium). At its [...]th meeting, on [...] April, the Subcommittee endorsed the report of the Chair of the Working Group, contained in annex I to the present report.

46. The Subcommittee had before it the following:

(a) *United Nations Treaties and Principles on Outer Space, related General Assembly resolutions and other documents* (ST/SPACE/61/Rev.1);

(b) Conference room paper on the status of international agreements relating to activities in outer space as at 1 January 2014 (A/AC.105/C.2/2014/CRP.7);

(c) Set of questions provided by the Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space (A/AC.105/C.2/2014/CRP.16);

(d) Responses to the set of questions provided by the Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space received from Germany (A/AC.105/C.2/2014/CRP.17);

(e) Responses to the set of questions provided by the Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space received from the Russian Federation (A/AC.105/C.2/2014/CRP.18 and Corr.1);

(f) Note by the Secretariat containing the contribution of Turkey to the fifty-third session of the Legal Subcommittee (A/AC.105/C.2/2014/CRP.26);

(g) Overview by the Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space on the responses from member States and permanent observers of the Committee to the set of questions provided by the Chair in conference room paper A/AC.105/C.2/2013/CRP.12 (A/AC.105/C.2/2014/CRP.22).

47. The Subcommittee noted that, as at 1 January 2014, the status of the five United Nations treaties on outer space was as follows:

(a) The Outer Space Treaty had 103 States parties and had been signed by 25 additional States;

(b) The Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space had 94 States parties and had been signed by 24 additional States; two international intergovernmental organizations had declared their acceptance of the rights and obligations established under the Agreement;

(c) The Convention on International Liability for Damage Caused by Space Objects had 91 States parties and had been signed by 22 additional States, three international intergovernmental organizations had declared their acceptance of the rights and obligations established under the Convention;

(d) The Convention on Registration of Objects Launched into Outer Space had 60 States parties and had been signed by 4 additional States; two international intergovernmental organizations had declared their acceptance of the rights and obligations established under the Convention;

(e) The Agreement Governing the Activities of States on the Moon and Other Celestial Bodies had 15 States parties and had been signed by 4 additional States.

48. The Subcommittee welcomed reports from Member States regarding their progress towards becoming parties to the five United Nations treaties on outer space, in developing national space laws and in concluding bilateral and multilateral agreements on space cooperation.

49. Some delegations expressed the view that the United Nations treaties on outer space represented a solid and sufficient legal structure that was crucial for supporting the increasing scale of space activities and strengthening international cooperation in the peaceful uses of outer space. Those delegations welcomed further adherence to the treaties and urged those States that had not yet become parties to the treaties to consider doing so.

50. Some delegations expressed the view that it was necessary to review, update and strengthen the five United Nations treaties on outer space with a view to invigorating the guiding principles that govern the space activities of States, strengthening international cooperation and making space technology available to all people. Those delegations were of the view that such reviewing and updating should not undermine the fundamental principles underlying the existing legal regime, but should enrich and further develop those principles.

51. Some delegations expressed the view that the five United Nations treaties on outer space were a basis for the regulation of the participation and the responsibility of both Governments and non-governmental organizations and that they strengthened the safety and security of space activities. Those delegations were of the view that the legal regime governing activities in outer space should ensure that space research and space activities benefit the quality of life and well-being of human beings and the prosperity of current and future generations.

52. Some delegations expressed the view that a universal, comprehensive convention on outer space should be developed with the aim of finding solutions for existing issues, which would allow the international legal regime on outer space to be taken to the next level of its development.

53. Some delegations expressed the view that the Subcommittee had a pivotal role in the further development of the international legal regime governing the activities of States in the exploration and use of outer space, in particular in view of the increased commercialization and heightened pace of outer space activities, and the increased participation of actors conducting activities in outer space.

54. Some delegations expressed the view that in the light of current developments in space activities, specifically regarding commercialization, privatization and space safety, the application of the existing treaties on outer space should be constantly analysed and reviewed to ensure the relevance of the current space law regime to the level of development in space activities.

55. Some delegations expressed the view that membership in the Committee on the Peaceful Uses of Outer Space should be conditional on the ratification of at least one of the United Nations treaties on outer space.

56. Some delegations expressed the view that to grant only parties to the treaties membership in the Committee would lead to a closed forum and would be contrary to the role of the Committee.

57. The view was expressed that there had been a recent tendency towards the development of non-legally binding instruments and that binding rules would better ensure the sustainability of and equitable access to the space environment for future generations.

58. The view was expressed that it was the mandate of the Legal Subcommittee to promote and establish international space law and that it was necessary to review and update the existing United Nations treaties on outer space.

59. The view was expressed that at the moment it was important to promote national space legislation rather than to consider new instruments in international law.

60. The view was expressed that the success of the Subcommittee in advancing the field of space law was a result of its ability to focus on practical problems and to seek to address any such problems via a consensus-based and results-oriented process. The delegation expressing that view was also of the view that the Subcommittee should, during its deliberations, aim to continue that tradition and to avoid focusing on theoretical rather than practical issues.

61. The view was expressed that conference room paper A/AC.105/C.2/2014/CRP.18 and Corr.1 included inaccuracies and unfounded characterizations of the space policy of another member State.

62. Some delegations expressed the view that the Moon Agreement, in all its aspects, should continue to be discussed by the Subcommittee in order for its provisions to be further clarified and understood.

63. Some delegations expressed the view that the Legal Subcommittee and the Scientific and Technical Subcommittee should strengthen their cooperation in matters relating to their respective agendas and working groups.



General Assembly

Distr.: Limited
28 March 2014

Original: English

**Committee on the Peaceful
Uses of Outer Space**
Legal Subcommittee
Fifty-third session
Vienna, 24 March-4 April 2014

Draft report

Addendum

V. Matters relating to the definition and delimitation of outer space and the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union

1. Pursuant to General Assembly resolution 68/75, the Subcommittee considered, as a regular item on its agenda, agenda item 7, entitled as follows:

“Matters relating to:

- “(a) The definition and delimitation of outer space;
- “(b) The character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union.”

2. The representatives of Belgium, Brazil, Indonesia, Mexico, the United States and Venezuela (Bolivarian Republic of) made statements under agenda item 7. A statement was also made by the representative of Chile on behalf of the Group of Latin American and Caribbean States. During the general exchange of views, statements relating to the item were also made by representatives of other member States and Nicaragua on behalf of the Group of Latin American and Caribbean States.

V.14-02036 (E)



Please recycle The recycling symbol, consisting of three chasing arrows forming a triangle.

3. At its 878th meeting, on 24 March, the Subcommittee reconvened its Working Group on the Definition and Delimitation of Outer Space under the chairmanship of José Monserrat Filho (Brazil). In accordance with the agreement reached by the Subcommittee at its thirty-ninth session and endorsed by the Committee at its forty-third session, the Working Group was convened to consider only matters relating to the definition and delimitation of outer space.
4. The Working Group held [...] meetings. The Subcommittee, at its [...] meeting, on [...] April, endorsed the report of the Chair of the Working Group, contained in annex II to the present report.
5. For its consideration of the item, the Subcommittee had before it the following:
 - (a) Note by the Secretariat on national legislation and practice relating to the definition and delimitation of outer space (A/AC.105/865/Add.14 and 15);
 - (b) Note by the Secretariat on questions on the definition and delimitation of outer space: replies from Member States (A/AC.105/889/Add.13 and 14);
 - (c) Note by the Secretariat on questions on suborbital flights for scientific missions and/or for human transportation (A/AC.105/1039/Add.2 and 3);
 - (d) Conference room paper entitled "Matters relating to the definition and delimitation of outer space: replies of the Russian Federation" (A/AC.105/C.2/2014/CRP.6);
 - (e) Conference room paper entitled "Matters relating to the definition and delimitation of outer space: replies of Uruguay" (A/AC.105/C.2/2014/CRP.13);
 - (f) Conference room paper on the contribution of Turkey to the fifty-third session of the Legal Subcommittee" (A/AC.105/C.2/2014/CRP.26);
 - (g) Conference room paper entitled "Summary of information on national practices and legislation of States with regard to the definition and delimitation of outer space" (A/AC.105/C.2/2014/CRP.27).
6. The Subcommittee heard a presentation entitled "The definition and delimitation of outer space: the present need to determine where 'space activities' begin", by the observer for IAASS.
7. Some delegations expressed the view that scientific and technological progress, the commercialization of outer space, the participation of the private sector, emerging legal questions and the increasing use of outer space in general had made it necessary for the Subcommittee to consider the question of the definition and delimitation of outer space.
8. Some delegations expressed the view that the lack of a definition or delimitation of outer space created legal uncertainty concerning the applicability of air law and space law and that matters concerning State sovereignty and the boundary between airspace and outer space needed to be clarified in order to reduce the possibility of disputes among States.
9. The view was expressed that there was no need to seek a legal definition or delimitation of outer space and that States should continue to operate under the current framework, which presented no practical difficulties, until such time as there

was a demonstrated need and a practical basis for developing a definition or delimitation of outer space.

10. The view was expressed that an agreement on a clear definition of the boundaries between outer space and airspace would allow the Committee and the Subcommittee to concentrate on developing and improving legal instruments that apply to activities that were not restricted to one single realm of space and would create the legal certainty that was needed to provide commercial operators with the necessary assurances to carry out their activities. The delegation that expressed that view was also of the view that if the Subcommittee failed to act, it might lose its leading role on the issue, and that would be tantamount to neglecting its mandate.

11. Some delegations expressed the view that the geostationary orbit — a limited natural resource clearly in danger of saturation — must be used rationally and should be made available to all States, irrespective of their current technical capacities. That would provide States with the possibility of having access to the geostationary orbit under equitable conditions, bearing in mind, in particular, the needs and interests of developing countries, as well as the geographical position of certain countries, and taking into account the processes of ITU and relevant norms and decisions of the United Nations.

12. Some delegations expressed the view that the geostationary orbit was part of outer space, that it was not subject to national appropriation by claim of sovereignty, by means of use or occupation or by any other means, including by means of use or repeated use, and that its utilization was governed by the Outer Space Treaty and ITU treaties.

13. The view was expressed that the geostationary orbit, as a limited natural resource clearly in danger of saturation, must be used rationally, efficiently, economically and equitably. That principle was deemed fundamental to safeguarding the interests of developing countries and countries with a certain geographical position, as set out in article 44, paragraph 196.2, of the Constitution of ITU, as amended by the plenipotentiary conference held in Minneapolis, United States, in 1998.

14. The view was expressed that the utilization by States of the geostationary orbit on the basis of "first come, first served" was unacceptable and that the Subcommittee should therefore develop a legal regime guaranteeing equitable access to orbital positions for States, in accordance with the principles of peaceful use and non-appropriation of outer space.

15. The Subcommittee noted the information provided by the United States on the actions of that Government to further the use of the geostationary orbit and other uniquely situated orbits, such as the free provision of the signal from the Global Positioning System, information from the polar meteorological satellites of the National Oceanic and Atmospheric Administration of the United States and data from the geostationary operational environmental satellites (GOES). The Subcommittee also noted the cooperation of the Governments of Canada, France, the Russian Federation and the United States in the International Satellite System for Search and Rescue (COSPAS-SARSAT).

16. The view was expressed that special attention should be given to equitable access for all States to orbit-spectrum resources in geostationary orbit while

recognizing its potential with respect to social programmes that benefited the most underserved communities, making educational and medical projects possible, guaranteeing access to information and communication technology and improving links to necessary sources of information in order to strengthen social organization, as well as promoting knowledge and the exchange thereof without commercial interests acting as intermediaries.

17. The view was expressed that the Subcommittee should consider developing a legal regime dedicated to the geostationary orbit, in accordance with the Outer Space Treaty, and that such regime should take into account the needs of developing countries as well as the geographical characteristics of certain countries.

18. Some delegations expressed the view that, in order to ensure the sustainability of the geostationary orbit, it was necessary to keep that issue on the agenda of the Subcommittee and to explore it further, through the creation of appropriate working groups and legal and technical intergovernmental panels, as necessary. Those delegations were of the view that working groups or intergovernmental panels with technical and legal expertise should be established to promote equal access to the geostationary orbit, and called for a greater participation of ITU in the work of the Subcommittee under those matters.

VI. National legislation relevant to the peaceful exploration and use of outer space

19. Pursuant to General Assembly resolution 68/75, the Subcommittee considered agenda item 8, entitled "National legislation relevant to the peaceful exploration and use of outer space", as a regular item on its agenda.

20. The representatives of France, Japan, Mexico, Poland, South Africa, the United States and Venezuela (Bolivarian Republic of) made statements under agenda item 8. During the general exchange of views, statements relating to the item were made by representatives of other member States.

21. The Subcommittee had before it the following:

(a) Conference room paper related to the schematic overview of national regulatory frameworks for space activities (A/AC.105/C.2/2014/CRP.5);

(b) Conference room paper entitled "Development of a system for legal regulation of space activities of the Russian Federation" (A/AC.105/C.2/2014/CRP.14).

22. The Subcommittee heard the following presentations:

(a) "China's space regulations: registration and licencing", by the representative of China;

(b) "The Indonesian Space Act No. 21, 2013", by the representative of Indonesia.

23. The Subcommittee welcomed the adoption by the General Assembly of its resolution 68/74 on recommendations on national legislation relevant to the peaceful exploration and use of outer space. In that regard, the Subcommittee noted with satisfaction that the resolution was a result of successful cooperation and broad

consensus among member States and that it provided for an excellent source of information and guidance for those States wishing to strengthen or develop their national space legislations.

24. The view was expressed that Assembly resolution 68/74 represented only the very condensed essence of what had been discussed throughout the years in the Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space and that those discussions were equally important as they had enabled States to gain an understanding of existing national regulatory frameworks, share experiences on national practices and exchange information on national legal frameworks.

25. The Subcommittee noted various activities of member States in strengthening or developing their national space laws and policies, as well as in reforming or establishing governance of national space activities. In that connection, the Subcommittee also noted that those activities were aimed at improving management, increasing competitiveness, involving academia, better responding to challenges posed by the development of space activities and better implementing international obligations.

26. The Subcommittee noted the development of the African Space Policy, within the institutional framework of the African Union, which would guide the African presence in space-related endeavours, and that that exercise would assist African States to develop national space legislation in harmony with international space law principles, taking into account Assembly resolution 68/74.

27. The Subcommittee noted with satisfaction the increasing number of space-related international cooperation programmes and projects. In that connection, the Subcommittee noted the importance of the development of space legislation by States, as national regulatory frameworks played a significant role in regulating and promoting such cooperation activities.

28. The Subcommittee reiterated that it was important to take into account the increased level of commercial and private activities in outer space in the context of developing a national space-related regulatory framework, particularly with respect to the responsibilities of States regarding their national space activities.

29. The view was expressed that the authorization and monitoring of national space activities and the registration of space objects were essential, as they enabled States to have effective control of their national space activities and better respond to international responsibilities. The delegation that expressed that view was also of the view that that was particularly important for ensuring, in the long term, the protection of space environment and access to it by all States.

30. The Subcommittee agreed that it was important to continue to regularly exchange information on developments in the area of national space-related regulatory frameworks. In that regard, the Subcommittee encouraged Member States to continue to submit to the Secretariat texts of their national space laws and regulations and to provide updates and inputs for the schematic overview of national regulatory frameworks for space activities.

31. The Subcommittee requested the Secretariat to develop, in consultation with ITU, an information handout on issues relevant to registration, authorization, debris mitigation and frequency management with respect to small and very small

satellites, for the benefit of space actors intending to operate small and very small satellites.

32. The Subcommittee commended the Secretariat for its continuous work on the update of the schematic overview of national regulatory frameworks for space activities, as well as the update of its web-based database of national space legislation.



General Assembly

Distr.: Limited
1 April 2014

Original: English

**Committee on the Peaceful
Uses of Outer Space
Legal Subcommittee
Fifty-third session
Vienna, 24 March-4 April 2014**

Draft report

Addendum

X. General exchange of information on non-legally binding United Nations instruments on outer space

1. Pursuant to General Assembly resolution 68/75, the Subcommittee considered agenda item 12, entitled "General exchange of information on non-legally binding United Nations instruments on outer space", as a single issue/item for discussion.
2. The representatives of Brazil, China, Cuba, France, Germany, Japan, Mexico, the Netherlands, Nigeria, Portugal, the Republic of Korea, the Russian Federation, South Africa, the United States and Venezuela (Bolivarian Republic of) made statements under agenda item 12. During the general exchange of views, statements relating to the item were also made by representatives of other member States.
3. The Subcommittee recalled that the objectives of the item were to facilitate an exchange of views on the topic and to share information on specific measures taken by member States and international organizations in relation to non-legally binding United Nations instruments that contribute to the exploration and use of outer space for peaceful purposes.
4. For its consideration of the item, the Subcommittee had before it a conference room paper prepared by Japan, entitled "General exchange of information on non-legally binding United Nations instruments on outer space (A/AC.105/C.2/2014/CRP.29)".
5. The Subcommittee heard a presentation entitled "Japanese contribution to the general exchange on non-legally binding United Nations instruments on outer space", by the representative of Japan.

V.14-02070 (E)



Please recycle The universal recycling symbol, consisting of three chasing arrows forming a triangle.

6. The Subcommittee noted with satisfaction that some States had taken measures to implement internationally recognized guidelines, principles and standards through relevant provisions in their national legislation, and thus non-binding international norms had become binding in certain provisions of national legislation.
7. The view was expressed that existing non-legally binding United Nations instruments related to space activities had played an important role to complement and support the United Nations treaties on outer space and that they continued to play a significant role as an effective means to address emerging issues and served as a basis to ensure safe and sustainable use of outer space.
8. The view was expressed that the exchange of information under the agenda item would assist States in their deliberations and would shed light on and clarify the use of non-legally binding United Nations instruments on outer space.
9. The view was expressed that the opportunity to exchange information under the item was especially welcome in view of the recommendation of the Group of Governmental Experts on Transparency and Confidence-Building Measures in Outer Space Activities that Member States should take measures to implement, to the greatest extent practicable, principles and guidelines endorsed on the basis of consensus by the Committee on the Peaceful Uses of Outer Space and the General Assembly (see A/68/189, para. 73).
10. The view was expressed that among the most important roles for international lawyers in facilitating successful international cooperation was identifying the optimal cooperative mechanism in any given case, including when a non-legally binding mechanism might actually facilitate the objectives of cooperation better than a treaty.
11. The view was expressed that concluding non-legally binding instruments on outer space under the framework of the United Nations would usefully complement the existing legal system of space law, representing an effort of the international community in regulating outer space activities and in promoting space law-making, and would thus be conducive to the harmonious, inclusive, and long-term sustainable development of outer space activities in accordance with the law.
12. The view was expressed that given the nature of non-legally binding United Nations instruments on outer space, which in essence were composed of statements, recommendations, guidelines and principles and were aimed at promoting patterns of behaviour not based on strictly binding rules, they could not play an effective role in ensuring sustainability of space activities. In that regard, the delegation expressing that view was also of the view that the Subcommittee should examine those norms in order to further develop binding norms and standards in space law.
13. The view was expressed that the discussion under the item should be focused on exchanges of information and experience by States on space "soft law" rules, and should avoid creating a negative impact on the will of countries to conclude and implement "soft law" rules. In that regard, the delegation expressing that view was also of the view that preparation and implementation of non-legally binding instruments on outer space should be carried out on the basis of existing United Nations treaties, principles and declarations on outer space, should take fully into account the need and interests of the developing countries, should not exceed countries' current capacity to develop space technologies or their level of

management of space activities, and should not seek to introduce standards or requirements that were hard to implement.

14. The view was expressed that in order to ensure safe, sustainable and secure space activities in the long term, there was a need to fill another legal lacunae in the international space law regime by paying particular attention in the Committee and the Subcommittee to the prevention of the arms race and deployment of any type of weapon in outer space. The delegation expressing that view was also of the view that, in that regard, States could make political, legally voluntary declarations which, if violated, could have substantial political consequences.

15. The view was expressed that the Subcommittee could find it relevant to consider under the item developments relating to best-practice instruments concerning outer space activities, such as the draft International Code of Conduct for Outer Space Activities, initiated by the European Union, the report of the Group of Governmental Experts on Transparency and Confidence-Building Measures in Outer Space Activities (A/68/189), as well as the work and recommendations under way in the Working Group on the Long-term Sustainability of Outer Space Activities of the Scientific and Technical Subcommittee.

16. Some delegations expressed the view that the sets of principles and guidelines adopted by the United Nations were not less important for the peaceful use of outer space than the treaties and international conventions, and that the Subcommittee should conduct a regular review of their acceptance and implementation by States and international intergovernmental organizations.

XI. Review of international mechanisms for cooperation in the peaceful exploration and use of outer space

17. Pursuant to General Assembly resolution 68/75, the Subcommittee considered agenda item 13, entitled "Review of international mechanisms for cooperation in the peaceful exploration and use of outer space", as an item under its five-year workplan (see A/AC.105/1003, para. 179). In accordance with the workplan, for 2014 the Subcommittee continued to conduct an exchange of information on the range of existing international space cooperation mechanisms.

18. The representatives of Austria, China, France, Germany, Japan, Italy and Spain made statements under agenda item 13. During the general exchange of views, statements relating to the item were also made by representatives of other member States.

19. At its 878th meeting, on 24 March, the Subcommittee established its Working Group on the Review of International Mechanisms for Cooperation in the Peaceful Exploration and Use of Outer Space, under the chairmanship of Setsuko Aoki (Japan). At its [...] meeting, on [...], the Subcommittee endorsed the report of the Chair of the Working Group contained in annex III to the present report.

20. The Subcommittee had before it the following documents:

(a) Note by the Secretariat on the review of international mechanisms for cooperation in the peaceful exploration and use of outer space, containing information received from Algeria, Germany and Kenya (A/AC.105/C.2/105),

Argentina (A/AC.105/C.2/105/Add.1) and the International Law Association (A/AC.105/C.2/105/Add.2);

(b) Conference room paper on space cooperation mechanisms in the Russian Federation, containing information received from the Russian Federation (A/AC.105/C.2/2014/CRP.23);

(c) Conference room paper on the review of international mechanisms for cooperation in the peaceful exploration and use of outer space, containing information received from Japan (A/AC.105/C.2/2014/CRP.24);

(d) Conference room paper containing a summary of international cooperative mechanisms utilized by Canada in the peaceful exploration and use of outer space (A/AC.105/C.2/2014/CRP.25);

(e) Conference room paper on the contribution of Turkey to the fifty-third session of the Legal Subcommittee (A/AC.105/C.2/2014/CRP.26);

(f) Conference room paper presented by ESA entitled "The European Space Agency as mechanism and actor of international cooperation" (A/AC.105/C.2/2014/CRP.28).

21. The Subcommittee heard a presentation entitled "International mechanism for cooperation in the peaceful exploration and use of outer space in the case of the Japan Aerospace Exploration Agency (JAXA)" by a representative of Japan.

22. The Subcommittee noted the breadth and diversity of the mechanisms utilized in space cooperation, including multilateral and bilateral legally binding agreements; non-legally binding arrangements, principles and technical guidelines; multilateral coordination mechanisms through which space system operators coordinated the development of applications of space systems for the benefit of the environment, human security and welfare, and development; and a variety of international and regional forums, including the African Leadership Conference on Space Science and Technology for Sustainable Development, the Asia-Pacific Regional Space Agency Forum, APSCO and the Space Conference of the Americas.

23. The Subcommittee noted that the exchange of information on the review of international mechanisms for cooperation in space activities should focus not only on the legal aspects of those mechanisms but also on practical issues, such as the reasons behind the development of such mechanisms and the benefits for States that acceded to them.

24. The Subcommittee noted that the review of the mechanisms for cooperation in space activities would continue to assist States in understanding the different approaches to cooperation in space activities and would contribute to the further strengthening of international cooperation in the exploration and peaceful uses of outer space. In that regard, the Subcommittee recalled that 2017, the final year of consideration of the agenda item, according to its workplan, coincided with the fiftieth anniversary of the Outer Space Treaty.

25. Some delegations expressed the view that international cooperation in outer space activities should be based on the concept of inclusive development, bringing the benefits of space activities to all countries, irrespective of their level of economic development, in accordance with the Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the

Interest of All States, Taking into Particular Account the Needs of Developing Countries, adopted by the General Assembly in its resolution 51/122.

26. The view was expressed that the international cooperation mechanisms of the space community should be extended to include partnerships with entities engaged in development assistance, thus strengthening the contribution of space technology and its applications to sustainable development goals and the post-2015 development agenda.

27. The view was expressed that the Subcommittee should play a positive role in fostering international cooperation so as to strengthen the design of the system of international cooperation and develop an effective and practical cooperative mechanism for the purpose of safeguarding peace, security and the rule of law in outer space.

28. The view was expressed that international initiatives for cooperation on specific aspects of the exploration and use of outer space, such as Earth observation and global navigation, were conceived for the purpose of uniting different space actors to maximize synergies, thereby fostering information-sharing and promoting the use of space applications and services also in developing countries.

29. Some delegations expressed the view that international cooperation would continue to be a necessary basis for dealing with new challenges, such as ensuring the long-term sustainability of space activities and promoting peace and security so as to enable the sustainable development of all countries.